

Buckland, MA Planning Board Minutes

January 11, 2024

In-person Meeting - Buckland Town Hall, 17 State St., Buckland

Meeting Agenda

1. Review and approve previous meeting minutes
2. Continue drafting general and zoning bylaws on short-term residential rentals (with Megan Rhodes, FRCOG)
3. Battery energy storage systems
4. Open and process mail addressed to Planning Board
5. Other topics unanticipated by Chair(s) 48 hours in advance
6. Adjourn meeting

Attendees:

John Gould, co-chair

Jon Wyman, member

Mariel Olcoz, member

Andrea Donlon, member

Michael Hoberman, co-chair

Megan Rhodes, Franklin Regional Council of Governments (FRCOG)

Adriana Isaza-Geary, member

Ahmad Esfahani, Clerk

Brad Walker, 49 Conway Street

Cara, via Zoom

Co-chair John Gould opened the meeting at 6:35 pm. He introduced Ahmad Esfahani as the new boards clerk to those in attendance.

4/2/24

JG

me

ALG



MH

AFD

Items

1. Gould brought the Board's attention to the minutes from the 12/5/23 meeting. He spoke to a correction of spelling of "rationale." Isaza-Geary said she was not present for this meeting and her name needed to be removed from the attendees list. Olcoz motioned, Donlon seconded, to approve the 12.5.2023 minutes, with corrections. Motion approved.

2. Gould thanked Rhodes for her incorporation of counsel's comments in the drafts of the zoning and general by-laws related to short-term residential rentals. The Board then proceeded to review the 1/9/24 draft of the zoning bylaw.

Rhodes first commented upon the zoning Table of Use Regulations (Section 4-3). Discussion of the definitions took place, as follows.

Short-term residential rental. Rhodes stated that the state's term for short-term residential has been used in the updated bylaw language. The Board decided to delete the words "may" and "and attached and Detached Accessory Dwelling Units" from the definition language, because it was potentially confusing and misleading.

Lodging House. The definition includes the term "second degree of kindred". Members thought this term was "archaic". Rhodes stated that this definition provides clarity on the definition of "family". The Board decided to keep the definition intact.

Operator. Rhodes explained she added a definition of "operator" to add clarify.

clarity

Inn: Donlon questioned whether inns needed to be defined as an owner-occupied structure. After discussion, the Board agreed to keep it intact.

The Planning Board took turns speaking about where the definitions belonged in the zoning bylaws. Wyman suggested that additional definitions specific to each section be placed at the beginning of each section. Donlon said that definitions belong in Section II with all other definitions. Buckland's zoning bylaws do also have other sections with definitions; she cited Orange's bylaws which recently were revised to put all definitions together. Definitions that referred to a specific part of the bylaws, such as floodplain bylaw terms, were indented within the bylaw so that they were still a "package." Brad Walker recommended the zoning bylaws be re-formatted electronically with hyperlinks for residents to easily reference specific terms.

Gould asked if a vote was needed to determine the placement of the definitions. Rhodes said good planning practice is to have all the definitions in the same place.

Rhodes then discussed with the Board on the section dealing with continuance of licensing and registration. Rhodes stated that counsel has a question about a special permit provision related to parking and asked for the Board's thoughts on how to proceed. Gould agreed with town counsel's recommendation that any permit goes by the special permit criteria. Debate over the conditions for

special commercial events, with explanation of what qualifies as such, took place among the board members in attendance. Isaza-Geary stated that if someone is being hired for a commercial event, it should be considered a commercial event.

Rhodes transitioned the discussion to the 1/9/24 draft of the **general bylaw**. For the definition of Short-Term Residential Rental, the word "may" and the ADU clause were struck by Planning Board consensus. For the definition of owner-occupied residential dwelling, Rhodes explained that "dwelling" in this context also includes multiple dwellings, if there is an ADU on the property.

Discussing the licensing and registration process #2, Rhodes states that there is a permitting form already in existence. It was agreed upon that the application would go to the Buckland town clerk. Gould reflected on the process by which an applicant would go through when submitting required documentation. Rhodes reflected that specifying criteria for special parking and commercial events were listed as items to she would follow-up with.

The Planning Board discussed the next steps in the bylaw process. Gould stated that a hearing would need to be scheduled, and the Planning Board would first need to go before the Selectboard to present the general bylaw. Gould stated he would connect with the Selectboard on a time to discuss these proposed changes. The Planning Board agreed to set the next meeting for Thursday, 2/8/2023 at 6:30 pm. Isaza-Geary left the meeting at 8:41 p.m.

3. Gould spoke on the matter of battery energy storage systems (BESS). Gould and Olcoz had attended a recent Zoom meeting on the regulation of BESS at the town level. Gould stated zoning by-laws are ineffective against the state permitting of energy facilities and Meg Sheehan, an environmental lawyer, is recommending that towns develop a general by-law regulating BESS. There was discussion about whether it made sense to bring this matter to the select board for consideration. It was agreed that this matter would be reviewed by the Planning Board further before bringing it before the Selectboard.

4. The Planning Board opened and reviewed mail addressed to the board.

5. Hoberman moved to adjourn the meeting; member Olcoz seconded the motion; all voted in favor. The meeting was adjourned at 9:03 pm.

Respectfully submitted, Ahmad Esfahani, Clerk.

Documents Referenced

Proposed Short-Term General by-law draft dated 1/9/24).

Proposed Short-Term General Zoning by-law draft dated 1/9/24).